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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/694,167	10/27/2003	Jan Ryderstam	81044557 (201-0705)	3060	
28415	7590 04/07/2006	EXAMINER			
PRICE, HE	NEVELD, COOPER, I	NGUYEN,	NGUYEN, CUONG H		
P. O. BOX 2		ART UNIT	PAPER NUMBER		
GRAND RA	PIDS, MI 49501-2567	3661			

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

			on No.	Applicant(s)				
		10/694,16	37	RYDERSTAM ET AL.				
	Office Action Summary	Examiner		Art Unit				
		CUONG H	I. NGUYEN	3661				
Period fo	The MAILING DATE of this communication approximation of the communication approximation approxima	ppears on the	cover sheet with the c	orrespondence ad	ddress			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)[🛛	Responsive to communication(s) filed on 14	November 2	005.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
4)🖂	Claim(s) 1-20 is/are pending in the application	n.						
-	4a) Of the above claim(s) is/are withdrawn from consideration.							
	5) Claim(s) is/are allowed.							
6)⊠	6)⊠ Claim(s) <u>1-20</u> is/are rejected.							
7)	7) Claim(s) is/are objected to.							
8)□	8) Claim(s) are subject to restriction and/or election requirement.							
Applicati	on Papers							
9)	The specification is objected to by the Examir	ner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	ınder 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
2) Notice 3) Information	t(s) se of References Cited (PTO-892) se of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 r No(s)/Mail Date	8)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		O-152)			

Response

1. The current examiner respectfully withdraws the previous allowable subject matter of claims 6, 7, 9-12, 16-20 from a prior examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 2. Claim 1-20 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. How to "determining a tractive force request", how to "determining an actual tractive force" (limitations of claim 1), "how to modeling the actual tractive force" (an extra limitation of claims 6, 13, 16-19 merely input "at least" a temperature or a number from a Look-Up-Table is not "modeling") are critical/essential to the practice of the invention, but not included in above claims are not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).
- a. For instance, please note that for claims 9, 16 there are existing non-limitations for these method claims "wherein the percentage of available tractive for is negative ...when the vehicle has a positive velocity" because this phrase just further defines the "available tractive force" input number; it does not contribute anything to the claimed step.
- b. For instance, please note that for claims 10-12, 17-20 there are existing non-limitations for these method claims wherein the "input" to request decreases/increases (this is unclear; please refer to what value for comparison) because this phrase just further defines the "available tractive force" input number; it does not contribute anything to the claimed step.

Claim Objections

- 3. Claims 1-5, 8 are also objected to under 37 CFR 1.75 as being a substantial duplicate of claims 13-15. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
- 4. Note: The current examiner respectfully submits that pending claims are unclear; as best interpretation the claimed concept simply are: input a number from LUT and see any change while driving a vehicle. The applicants are request to further clarify them in better languages.
- 5. Applicants are advised that should claims 1-5,8 be found allowable, claims 13-15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

CUON H. NGUYEN Primary Examiner Art Unit 3661